

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

July 25, 2008

Board of Land
and Natural Resources
Lihue, Kauai

Request for Approval a Special Activity Permit for Mr. William Seitz, Research Supervisor, Hawaii
Volcanoes National Park, and Designated Assistants to Conduct Management-Related Activities for the
Endangered Hawksbill Turtle on State Land and Marine Waters

Submitted herewith for your consideration and approval is a Special Activity Permit as authorized in Section 187A-6, Hawaii Revised Statutes (HRS). Section 187A-6 provides that the Department may issue permits no longer than one year (from date of issue) to any person to take aquatic life, possess or use fishing gear, or engage in any feeding, watching, or other such non-consumptive activity related to aquatic resources otherwise prohibited by law for scientific, educational, management, or propagation purposes, subject also to Chapter 195D and any other restrictions the Department deems desirable.

Such permits are usually sought by University researchers and their students, professional biologists, consultants, aquariums, or public and private school teachers to either collect aquatic life otherwise considered unlawful, or to use gear otherwise considered unlawful, primarily for the purposes of study or education. Mr. Seitz and designated assistants propose to capture, handle tag hawksbill turtles, excavate nests, collect eggs and attach transmitters to the turtles to monitor turtle populations. They have already been issued a U.S. Fish and Wildlife permit for these activities.

The Division of Aquatic Resources has reviewed the application for impact and made recommendations to conserve resources as well as to minimize impacts to those resources. Among other permit provisions, the Division will require an annual report at the end of the permit period to document the efforts of the collections or activities. This permit does not authorize any work in the Northwestern Hawaiian Islands.

RECOMMENDATION:

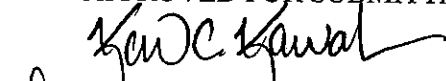
"That the Board Approve a Special Activity Permit to Mr. William Seitz, Research Supervisor, Hawaii Volcanoes National Park and Designated Assistants to Conduct Management-Related Activities for the Endangered Hawksbill Turtle on State Land and Marine Waters."

Respectfully submitted,



DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL:


for LAURA H. THIELEN
Chairperson

State of Hawaii
Department of Land & Natural Resources
DIVISION OF AQUATIC RESOURCES
1151 Punchbowl Street, Room 330
Honolulu, Hawaii 96813

Permit No. SAP 2008-83

Date of Issue:

Expires one year from date issue

SPECIAL ACTIVITY PERMIT

The Chairperson of the Department of Land and Natural Resources hereby grants permission under Section 187A-6, Hawaii Revised Statutes, and other applicable laws, including Chapter 195D, HRS to

The Permittee(s):

Name:	Mr. William Seitz	Address:	P.O. Box 52
Title:	Wildlife Research Supervisor		Hawaii Volcanoes National Park
Affiliation:	Pacific Co-Op Studies Unit		Hawaii 96718-0052
			Phone: (808) 985-6090

for the purpose of conducting ecological research and survey activities to enhance the survival of the hawksbill sea turtle in State waters.

This permit authorizes the permittee (and any agents/assistants designated on the SIGNATURE AND ACKNOWLEDGEMENT page of this permit) to

TAKE (incl. Capture, handle, mark, screen nests, collect eggs, measure, tag, excavate nests, and attach satellite transmitters) certain State protected aquatic life as follows:

Common Name	Scientific Name	Maximum of Specimens	Collecting Location
*Hawksbill turtle	<u>Eretmochelys imbricata</u>	as required	Waters and land of the State of Hawaii

*A copy of the Federal Fish and Wildlife Permit No. TE739923-^{4 (20)}~~3~~ (expires March 30, 2010) and subject to annual re-authorization, is attached to this permit.

subject to the following conditions:

I. GENERAL CONDITIONS:

A. This permit does not make the Chairperson of the Department of Land and Natural Resources or the State of Hawaii liable in any way for any claim of personal injury or property damage to the permittee or assistants which may occur during collection activity authorized by this permit; moreover, the permittee and all assistants agree to hold the State harmless against any and all claims of personal injury, death or property damage resulting from activities of the permittee or any assistant.

B. This permit conveys a privilege to engage in only those activities under the jurisdiction of the Division of Aquatic Resources. The permittee is responsible for complying with all applicable County, State, and Federal requirements. The permit does not convey any privilege of access over or through private property.

C. The permittee and each assistant are individually responsible and accountable for their actions while conducting activities authorized under this permit; additionally, the permittee is responsible and accountable for the actions of the permittee's assistants.

D. This permit is not transferable or assignable. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State laws.

E. The permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the DAR at least two weeks prior to the change. All personnel changes will require each individual to sign an "Attachment" stating that they have read, understood, and agree to abide by all general and special permit conditions. No change may be implemented without written approval from the Department/DAR.

F. The permittee may request to:

1. Add assistants to the permit by having each assistant sign an "Attachment" and send the document to DAR;
2. Add another permittee or be replaced by another permittee in the manner stated above; and
3. Change the activities allowed under this permit.

G. A copy of this permit must be carried by the permittee or assistant while performing collecting activities authorized by this permit.

H. This permit authorizes collection of organisms protected by Federal law only with prior appropriate Federal authority, which must be described on Page 1 of this permit (if applicable).

I. The permit is not to be used for nor does it authorize the sale of collected organisms

SPECIAL
ACTIVITY Permit No. 2008-83
General Conditions, cont.

J. This permit expires on the date indicated on Page 1. Within one month of the expiration date, the permittee must return this permit to the Division of Aquatic Resources with complete information on all collecting done under this permit, on the Activity Report form provided as part of this permit.

K. The permittee and assistants agree to provide access to data obtained under authority of this permit upon request of the Division of Aquatic Resources, and to provide to the Division a copy of each report, published for distribution, prepared with data obtained under this permit. The permittee agrees to provide the Division of Aquatic Resources access to organisms obtained and held under this permit for on-site inspection.

L. A violation of any terms or condition of this permit or any violation of State law not covered by this permit may result in revocation of the permit. The permittee may consider any such violation as grounds for denying any future permit applications.

M. The permittee will notify the Division of Aquatic Resources prior to the release and/or transfer of any organisms collected under the permit. The permittee will not release any organisms collected under this permit nor any organisms raised in a propagation facility under the authority of this permit, without the Division of Aquatic Resources' written approval.

II. SPECIAL CONDITIONS

1. This permit authorizes the permittee and designated assistants to **TAKE** hawksbill sea turtles (*Eretmochelys imbricata*) in the waters and on lands of the State of Hawaii. Discretion should be used to avoid conflict with fishermen or others during collecting activities at any location. Conspicuous turtle research activities should not be conducted on weekends or holidays at Marine Life Conservation Districts, Fisheries Management Areas, or other popular recreation sites.

2. All night surveys of nesting beaches will be conducted using ambient light when possible. A night vision scope will be used to observe turtles from a distance. Flash photography or any other type of imaging that requires artificial light is only permitted during oviposition, when there are no other sea turtles in the area. Lights and camera flashes shall not be aimed seaward.

3. The primary permittee and designated assistants are required to obtain permission before entering upon lands or waters not under the jurisdiction of the Division of Aquatic Resources (see "B", General Conditions, page 2 of this permit).

4. This permit does not by implication authorize the primary permittee or any designated assistant to engage in any other activity if in violation of any other State, Federal or County law, regulation or ordinance.

5. The primary permittee or a designated assistant responsible for the field collecting activity shall notify the Division of Conservation and Resources Enforcement at least 48 hours in advance of any field collecting activity and provide such information as: location; date; time; and number of persons to be involved. Telephone: Honolulu 587-0077; Hawaii 974-6208; Maui 984-8110; or Molokai 567-6618.

Laura H. Thielen, Chairperson
Department of Land and Natural Resources

cc: (x) DOCARE
(x) Special Agent in Charge,
USFWS, Honolulu
(x) NMFS
() DAR Maui
(x) DAR Hilo

SPECIAL
ACTIVITY Permit No. 2008-83

REPORT OF COLLECTING AND OTHER ACTIVITIES

Results of all activities performed under authority of this permit must be reported on this form (or copies) within one month after the permit expires (see first page). Use as many sheets as you need. Submit the report to the Division of Aquatic Resources at 1151 Punchbowl Street, Room 330, Honolulu, HI 96813.

Date	Location	Common or Scientific Name	Quantity Collected*	Disposition of Specimens
------	----------	------------------------------	------------------------	--------------------------------


Signature of Permittee

Date 5/12/08

*If salvaged (collected because the specimen was dead or injured already), please detail circumstances: condition (dead, or describe extent of injury), how or from whom the specimen was obtained.

SIGNATURE AND ACKNOWLEDGEMENT

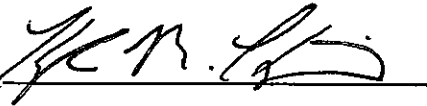
By my signature below, I attest that I understand the general conditions (Items A through M on Page 2 & 3) and any special conditions (Nos. 1-2-3-4-5 on page 4) to Special Activity Permit No. 2008-83. Further, I agree to abide by all of these conditions when collecting under authority of this permit.

PRINCIPAL PERMITTEE:


WILL SEITZ

DESIGNATED ASSISTANTS:

Signature:



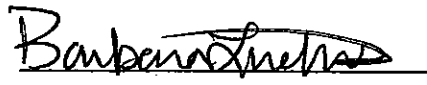
Print Name:

Kyle M. Kagitoto

Signature: _____

Print Name: _____

Signature:



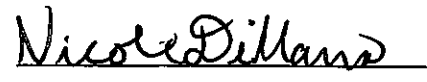
Print Name:

Barbara Luehrs

Signature: _____

Print Name: _____

Signature:



Print Name:

Nicole DiManno

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____



DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

3-201
(1/97)

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

HAWAII VOLCANOES NATIONAL PARK
P.O. BOX 52
HAWAII NATIONAL PARK, HI 96718
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1539(a)

REGULATIONS (Attached)
50 CFR 17.22

50 CFR 13

3. NUMBER

TE739923-4

AMENDMENT

4. RENEWABLE

☒ YES
☐ NO

5. MAY COPY

☒ YES
☐ NO

6. EFFECTIVE

08/16/2007

7. EXPIRES

03/30/2010

8. NAME AND TITLE OF PRINCIPAL OFFICER (If not a business)

WILLIAM SEITZ
NATURAL RESOURCES MANAGER

9. TYPE OF PERMIT

ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

ON LANDS SPECIFIED WITHIN THE ATTACHED SPECIAL TERMS AND CONDITIONS

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.
- D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORTS DUE: 1/31

See permit conditions for further reporting requirements.

ISSUED BY

Larry L. Latta

TITLE

CHIEF - ENDANGERED SPECIES

DATE

08/16/2007

SPECIAL TERMS AND CONDITIONS FOR
Hawai'i Volcanoes National Park

1. This permit was previously issued on March 31, 2006. The terms and conditions set forth in that permit are hereby superseded by this amendment.
2. Acceptance of this permit serves as evidence that the permittee understands and agrees to abide by the "General Conditions for Native Endangered and Threatened Wildlife Species Permits," 50 CFR Part 13, 50 CFR 17.22 (endangered wildlife) and/or 50 CFR 17.32 (threatened wildlife), as applicable (copies attached). In addition, the permittee must have any other applicable State and Federal permits prior to the commencement of activities authorized by this permit.
3. The permittee is authorized to take (capture, handle, mark, attach radio/satellite transmitters, excavate, screen, and relocate nests) the honu'ea or hawksbill turtle (*Eretmochelys imbricata*) in conjunction with surveys and ecological research for the purpose of enhancing its survival as specified in the permittee's July 24, 2007, amendment request, in accordance with the conditions stated below.

4. The location of authorized activities is restricted to the following geographic areas:

Islands of Kaua'i, O'ahu, Maui, Moloka'i, Lana'i, Kaho'olawe, Hawai'i.

5. Authorized individuals:

Only individuals on the attached List of Authorized Individuals (List) are authorized to conduct activities pursuant to this permit. The List, printed on Service letterhead, may identify special conditions or circumstances under which individuals are authorized to conduct permitted activities and must be retained with these Special Terms and Conditions. Each named individual shall be responsible for compliance with the terms and conditions of this permit.

To request changes to the List, the permittee shall submit written requests to the Field Supervisor at the U.S. Fish and Wildlife Service's (Service) Pacific Islands Fish and Wildlife Office (PIFWO), P.O. Box 50088, Honolulu, Hawai'i 96850 (telephone: 808-792-9400; fax: 808-792-9581). The request shall be submitted at least 30 days prior to the requested effective date. The request shall be signed and dated by the permittee and include:

- a. The name of each individual to be appended to the List;
- b. The résumé/qualifications of each person to be appended to the List, plus specific information on previous professional experience working with the species affected by the permit request. Information should include the approximate

number of hours of focused activity with each species in occupied habitat; approximate numbers of each species the applicant has worked with at each site (e.g., how many turtles at a specific site(s)); names, dates, and location of areas surveyed; and experience with similar species;

- c. The names and phone numbers of a minimum of two references; and
- d. The names of the individuals to be deleted from the List.

Note: This procedure is for personnel changes only. For requests to renew/amend this permit, a complete application must be submitted to the Chief, Endangered Species, at the Service's Portland Regional Office (PRO), Ecological Services, 911 NE. 11th Avenue, Portland, Oregon 97232-4181.

6. Taking of the honu'ea:

The permittee is authorized to monitor nest sites; excavate, screen, and relocate nests; capture, mark (flipper-tag and Passive Integrated Transponder-tag), attach radio/satellite transmitters, measure, release, and recapture honu'ea within the geographic boundaries specified above, and the time limitation specified in the permit, provided that:

- a. The permittee is authorized to take adult honu'ea, hatchlings, or eggs in conjunction with nest monitoring, and relocate eggs from up to 15 nests per year.
- b. All night surveys of nesting beaches will be conducted using ambient light when possible. A night-vision scope will be used to observe turtles from a distance. When absolutely necessary, a flashlight fitted with a red filter can be used. Artificial lights shall not be directed toward the ocean. Dark clothing is to be worn during night surveys.
- c. Flash photography or any other type of imaging (video or still photography) that requires artificial light is allowed only during oviposition when there are no other sea turtles in the area. Lights and camera flashes shall not be aimed seaward.
- d. Nesting females shall not be harassed (approached or restrained) prior to the start of oviposition for any of these activities. The permittee shall remain at least 50 feet from a nesting female honu'ea until she has begun oviposition.
- e. Adult female honu'ea may be restrained on their nesting beaches for short periods of time (not to exceed 2 hours) to record standard body measurements, and to attach temporary radio/satellite transmitters and tags. Inconel alloy identification tags (four tags per turtle) may be used. Transmitter attachment and tagging shall be initiated after completion of successful nesting or the abandonment of attempted nesting.

- i. All flipper tags shall be cleaned (e.g., to remove oil residue) in soapy water, rinsed or soaked in alcohol, and then stored in sealed plastic bags until used.
- ii. Instruments and equipment that will be used for invasive procedures shall be sterile.
- iii. When handling and/or tagging honu'ea displaying fibropapilloma tumors/or lesions, the permittee shall use the following procedures:
 - A. Maintain a separate set of equipment for animals displaying fibropapilloma tumors and/or lesions.
 - B. Clean and disinfect all equipment that comes into contact with the honu'ea (tagging equipment, tape measures, etc.) with a 10 percent bleach solution between the processing of each turtle.
- iv. All honu'ea shall be examined for existing tags before attaching or inserting new ones. If existing tags are found, the tag identification numbers shall be recorded and included in the annual report.
- v. Radio/satellite transmitters shall be attached only to the carapace, using appropriate precautions to avoid potential disease transmission.
- f. The permittee shall use care when handling live animals to minimize any possible injury, and appropriate resuscitation techniques (attached) shall be used on any comatose honu'ea prior to returning it to the water. An experienced veterinarian, veterinary technician, or rehabilitation facility must be named for emergencies (at a minimum, it must be possible to attempt to contact veterinary help by phone).
- g. Turtles shall be protected from temperature extremes of heat and cold and kept moist during handling, measuring, and satellite tagging.
- h. Nests that are at high risk of predation may be protected by placing a self-releasing screen over the nest, provided that the October 4, 2004, Nest Caging Protocol developed by the permittee and approved by the PIFWO is followed.
- i. Nests may be excavated to measure egg fertility and productivity and to rescue any hatchlings found to be trapped in the nest. Excavation of nests shall not be conducted until at least 24 hours after the major emergence has taken place or until at least 70 days after oviposition, to allow the majority of the hatchlings to emerge as naturally as possible. All hatchlings found to be trapped in their nest by natural or manmade impediments shall be rescued, resuscitated as needed, and released into the sea off the nesting beach of origin.

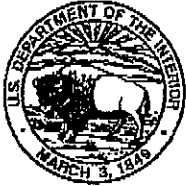
- j. Nests may be relocated within 12 hours of egg deposition and/or prior to 0900 the morning following egg deposition in accordance with the "Hawksbill Sea Turtle Nest Relocation Protocol" (Nest Relocation Protocol) developed by the permittee and approved by the PIFWO. Nests may be relocated from where they have been laid seaward of the debris line marking the high tides or close enough to this line that nest flooding is probable at high tide. Nests may also be relocated to enhance hatching and emergence success, as specified in the Nest Relocation Protocol.
7. Zero adult honu'ea, zero hatchlings, and 130 eggs (1 clutch) are allowed to be incidentally injured or killed during the performance of activities conducted pursuant to this permit. In the event that the number of individuals allowed to be injured or killed is exceeded during performance of permitted activities, the permittee must:
- a. Immediately cease the activity until reauthorized by the PRO, which may, after analysis of the circumstances of mortality or injury, suspend, revoke, or amend this permit.
 - b. Immediately notify:
 - i. The PRO, telephone: 503 231-2063; fax: 503 231-6243; and
 - ii. The PIFWO.
 - c. Provide written notification within 3 working days to the PRO and the PIFWO. The written notification shall describe the circumstances that led to the injury or mortality. A description of any changes in protocols that will be implemented to reduce the likelihood of such injury or mortality should be included, if appropriate. Honu'ea that are seriously injured or have died will be counted against the total number of animals authorized in the permit.
 - d. Preserve any dead specimens in accordance with standard museum practices. Before expiration of the permit, all preserved specimens will be properly labeled and deposited with one of the designated depositories. The permittee shall supply the depository with a copy of this permit to validate that the specimens were taken pursuant to a permit.
8. Designated depositories:
- a. National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries), Attention: George Balazs, 2570 Dole Street, Honolulu, Hawai'i 96822-2396 (telephone: 808 943-1240; fax: 808 943-1290).
 - b. The Bishop Museum, Vertebrate Collection Manager, 1252 Bernice Street, Honolulu, Hawai'i 96817 (telephone: 808 847-3511).

9. All reports or other documents that include information gathered under the authority of this permit shall reference this permit. Copies of such documents shall be provided to the PIFWO upon their completion. Draft documents and other information resulting from work conducted under the authority of this permit shall be submitted to the Service upon request.
10. Annual reports:
 - a. The annual report of activities shall be submitted to the Field Supervisor, PIFWO, by January 31, following each year that this permit is in effect. The report shall be in the following format: (i) an introduction addressing reasons and objectives for taking the species; (ii) a methodology section addressing data collection, analysis procedures and personnel working on the project; (iii) a results section that provides the data collected, including information on any other federally listed species detected while conducting activities authorized under this permit; and (iv) a brief discussion of significant research results and a conclusion section that specifically provides, at a minimum, recommendations for potential recovery of the species and management of the species studies and design. A copy of any other permits required to perform the above studies shall be submitted with the annual report. Information may be submitted electronically if pre-arranged with the Recovery Permit Coordinator at the PIFWO.
 - b. The report must include, but not be limited to, the following information:
 - a. The number and location of adult honu'ea captured/recaptured, tagged, radio/satellite-transmitted, and released;
 - b. The number and location of excavated nests, dates of laying and excavation, and the fates of any hatchlings;
 - c. The total number of nests that are screened and the success of the nest;
 - d. The number and location of all relocated nests, the dates of relocation, reason for relocation, the locations to which the nests were relocated, and the dates of these nests;
 - e. The number and description of all specimens deposited with the NOAA Fisheries.
 - c. If no activities occurred over the course of a year, indication of such shall be submitted as an annual report.

11. Failure to comply with reporting requirements may result in non-renewal or suspension/revocation of this permit.

8-16-07
Date

Garry L. Latta
for Chief, Endangered Species



United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE 11th Avenue
Portland, Oregon 97232-4181



LIST OF AUTHORIZED INDIVIDUALS TE-739923-4

1. Individuals authorized to conduct all activities pursuant to this permit are:

Lawrence Katahira and William Seitz.
2. Individuals authorized to conduct all activities pursuant to this permit except attachment of satellite transmitters are:

Anne C. Farahi, Kyle M. Kagimoto, Jeff Kutz, and Tyson D. Lee.

Supervised individuals may conduct activities pursuant to this permit only under the direct, on-site supervision of at least one of the above-named individuals.

8-16-07
Date

Larry Holt
for Chief, Endangered Species

This List is valid only if dated on or after the permit issuance date.